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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10057/2017 & CM APPL. 1962/2025**
WEAKER SECTION WELFARE AND REHABILITATION
SOCIETY

.....Petitioner
Through: Mr. S K Rungta, Sr. Advocate with
Mr. Prashant Singh, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent
Through: Ms. Shobhana Takiar, SC with Mr.
Prateek Dhir, Mr. Shivam Takiar and
Mr. Kuljeet Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
% **11.02.2025**

1. The present writ petition has been filed by Society known as *Weaker Section Welfare and rehabilitation Society*.
2. The genesis of the present writ petition goes back to 2005 when the same Society had earlier filed a writ petition i.e. W.P.(C) 17755/2004.
3. Above said writ petition was disposed of by order dated 29.08.2005. It is recorded therein that several settlers occupied a piece of land in Karol Bagh popularly called *Ashok Pahari* and such settlers, it seemed, had started settling there since 1942.
4. A conceptual plan for redevelopment of the above said area was

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formulated by DDA in the year 1998.

5. Settlers got affected by such plan for the reason that the land occupied by them was also part of the above said *redevelopment plan*.

6. It was in the above said backdrop that all such settlers constituted a Society and such Society started espousing the cause of all such settlers.

7. Be that as it may, DDA eventually, as per the directions of the Court, was directed to initiate a tendering process for construction of flats and shops at Ashok Pahari area. There was a time-bound direction to them to short list the contractor and it was also made clear that the allottees, to whom such flats would be ultimately allotted after their displacement on account of the redevelopment plan, would pay for the *construction-cost* and also cost incurred towards additional strengthening of the foundation.

8. Mr. Rungta, learned Senior Counsel for the petitioner Society submits that as per redevelopment plan, 112 LIG Flats, 20 MIG Flats and 16 shops have been constructed. He also does admit that various evictees from Ashok Pahari area have already been allotted LIG flats. Though, MIG flats are yet to be allotted to anyone.

9. The prayer in the present writ petition is very different.

10. According to Mr. Rungta, learned Senior Counsel, the allotment of the LIG flats to all such settlers is on the basis of *one LIG flat per family*. He submits that there were several large families in Ashok Pahari area and such other family members are also eligible for flat in their own independent right. He submits that even as per the policy of the DDA, there is no prohibition of allotment of a flat or land by respondent if the area of such flat already allotted to some other family member is not more than 67 sq. mts. It is submitted that since the LIG flat in question has total area of around 40 sq. mts, such



prohibition does not stand attracted and therefore, the other family members are also entitled to any surplus flat, if available, in Ashok Pahari area.

11. According to him, these LIG flats were constructed with a specific purpose i.e. to rehabilitate the evictees of Ashok Pahari area. If after allotting flats on *one flat per family basis*, certain surplus flats are available, these should be allotted to other family members on the basis of preference, instead of auctioning those.

12. During course of arguments, Mr. Rungta, learned senior counsel submits that the construction cost was in the vicinity of Rs. 11 to 12 lacs per flat and now DDA has come up with a *Special Housing Scheme, 2025* and several LIG flats have been put on e-auction on *as is where is* basis. He submits that 30 such LIG flat situated at Ashok Pahari along Faiz Road, are on offer and the reserve price of each such flat has been fixed a Rs 44.40 lacs. He submits that such other family members of the evictees are ready to match the above said base price/reserve price so that there is no loss of revenue to DDA. He submits that such family members of evictees do not seek allotment to them, as per the construction cost.

13. During course of the arguments, Mr. Rungta, as per the instructions revived by him, also submits that besides the above said 30- LIG flats which are on offer in the above said Housing Scheme Of 2025, DDA has around 17 surplus flats and he submits that these 17 surplus LIG flats can always be considered for allotment on *preferential basis* to such family members, on conditions to be stipulated in this regard by DDA.

14. He further submits that the petitioner Society does not press the present writ petition and seeks liberty to make appropriate representation in this regard to DDA. It is, however, requested that DDA may be asked to consider



such representation on compassionate basis and to take appropriate decision as expeditiously as possible.

15. This Court is conscious of the fact that the settlers here had been occupying the above said area of Ashok Pahari since 1942.

16. Learned counsel for respondent submits that though, currently, there is no such policy recognizing preferential allotment, she would have no objection if the petitioner Society makes a representation in this regard. She submits that DDA shall take appropriate decision in accordance with law.

17. In view of the above, the writ petition is disposed of as not pressed and liberty is granted to Society to make representation in this regard in context of surplus 17 LIG flats. This Court expects that DDA would give an opportunity of hearing to the representative of the Petitioner Society and would decide the same as expeditiously as possible, but not later than 12 weeks from receipt of representation.

18. Till the time the above said representation is decided by DDA, this Court expects that no surplus LIG flat of Ashok Pahari is put on e-auction. However, e-auction of 30 LIG flats would remain totally unaffected by this order.

19. The petition stands disposed of in aforesaid terms. Needless to say, if petitioner is aggrieved by outcome of its representation, it shall be at liberty to take any action, as permissible under law.

MANOJ JAIN, J

FEBRUARY 11, 2025/*sw*

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